

Chapter 19.730***Minor Conditional Use Permit*****19.730.010 Purpose**

- A. Uses listed in the Zoning Code as requiring a minor conditional use permit are deemed to possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses.
- B. In granting a minor conditional use permit, certain conditions may be required to protect the public health, safety, convenience, and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the location, use, building, traffic and other impacts of the proposed use and its relationship with other existing and proposed uses in the surrounding area. The conditions may relate to use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, general character, appearance, time limits, revocation dates, and other conditions necessary to comply with the findings listed in Chapter 19.730.040 (Required Findings) and all applicable site location, operation and development standards.

19.730.020 Procedures

- A. General Process

Minor Conditional Use Permit (MCUP) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.

19.730.030 Applicability and Permit Requirement

- A. The Approving or Appeal Authority may grant a minor conditional use permit, in accordance with the procedures stated in this Article, for any of the uses specifically listed in the Zoning Code as permitted subject to the granting of a minor conditional use permit. Tables 19.150.020 A and B summarize those uses requiring a minor conditional use permit and the applicable base zones.
- B. The Zoning Administrator may grant an amendment to a previously approved conditional use permit by approval of a MCUP for the following types of additions and expansions:
 - 1. Any building expansion not exceeding twenty-five percent of the gross floor area of the building area occupied by the conditional use, up to a maximum of two thousand square feet; and

2. Any expansion of a day care center, club, lodge, educational institution, board and care facility or other similar use, not exceeding twenty-five percent of the approved occupancy, up to a maximum of twenty-five occupants.
- C. The cumulative total of all additions and expansions grantable by the Zoning Administrator under Section 19.730.030 B. may not exceed the figures listed in this Section over the life of the minor conditional use permit. Any cumulative addition or expansion that causes any of these figures to be exceeded must be filed as a revised minor conditional use permit, requiring a new public hearing.

19.730.040 Required Findings

The Zoning Administrator may grant a minor conditional use permit, in whole or in part, and including appropriate conditions of approval if, from the facts available in the application and determined by investigation, all of the following written findings can be made:

- A. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts.
- B. The proposed use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.
- C. The proposed use will be consistent with the purposes of the Zoning Code.
- D. The proposed use is in conformance with specific site location, development and operation standards as may be established in the Zoning Code for the particular use.

19.730.050 Conditions of Approval/Guarantees

- A. In granting a minor conditional use permit, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and traffic characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.
- B. The conditions attached to minor conditional use permits may include such provisions concerning use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristic, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction or use authorized, revocation dates, and other conditions the Planning Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.
- C. The Zoning Administrator may require bonds or other forms of guarantees for the minor conditional use permit to ensure compliance with this Chapter and other applicable

provisions of the Zoning Code, and to prevent adverse or detrimental impact to the surrounding neighborhood.

- D. The conditions of approval must be kept on site and be made available for inspection on demand by a City representative.
- E. Minor conditional use permits are approved for the uses of a particular property and may be transferred between one owner of the land to another.

19.730.060 Minor Modifications to Approved Minor Conditional Use Permits

Minor modifications to approved minor conditional use permits pursuant to Section 19.730.030 may be approved by the Zoning Administrator.

19.730.090 Review for Compliance and Revocation

A. Compliance Investigation

The City may conduct an investigation to ensure that the permittee is maintaining the use as applied for and has not converted or modified the use. Failure to operate in accordance with the conditions of the minor conditional use permit is grounds for setting the matter for public hearing to consider revocation of the permit. The City may also pursue any other option permitted by law to require compliance with the conditions of the permit.

B. Revocation of Minor Conditional Use Permits

1. The Planning Commission shall hold a public hearing to consider the revocation of a minor conditional use permit granted in accordance with the provisions of this Chapter and over which such Commission has jurisdiction.
2. Written notice of the date, time, place and purpose of such public hearing shall be served on the owner of the property for which the permit was granted by registered mail, postage prepaid, return receipt requested, not less than ten days prior to the date of such hearing. Additional notice shall be given in the manner prescribed in this Chapter governing notices of minor conditional use permits. The public hearing and investigations shall be conducted and hearing records maintained in the manner prescribed in this Chapter.
3. A minor conditional use permit may be revoked if, from the facts presented at the public hearing or by investigation, the Planning Commission finds any one or more of the following grounds:
 - a. That a permit approval was obtained by fraud;
 - b. That the permit granted is being or has been exercised contrary to the conditions of such permit or in violation of any applicable licenses, permits, regulations, laws, or ordinances; or

- c. That the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health or safety or so to constitute a nuisance.
4. Each decision by the Planning Commission to revoke a minor conditional use permit shall be by a formal and numbered resolution adopted by the affirmative votes of at least $\frac{2}{3}$ of the membership of the Planning Commission, such membership being based upon membership present and voting. The Planning Commission shall make its findings, announce its decision and mail a notice of its decision to the owner of the property involved in the manner prescribed in this Chapter. Any person aggrieved or affected by a decision of the Planning Commission in approving or disapproving a revocation of a minor conditional use permit may appeal to the City Council in the manner prescribed in this Chapter. The City Council may, after a public hearing has been held in the manner prescribed in this Section, affirm, reverse or modify the decision of the Planning Commission.

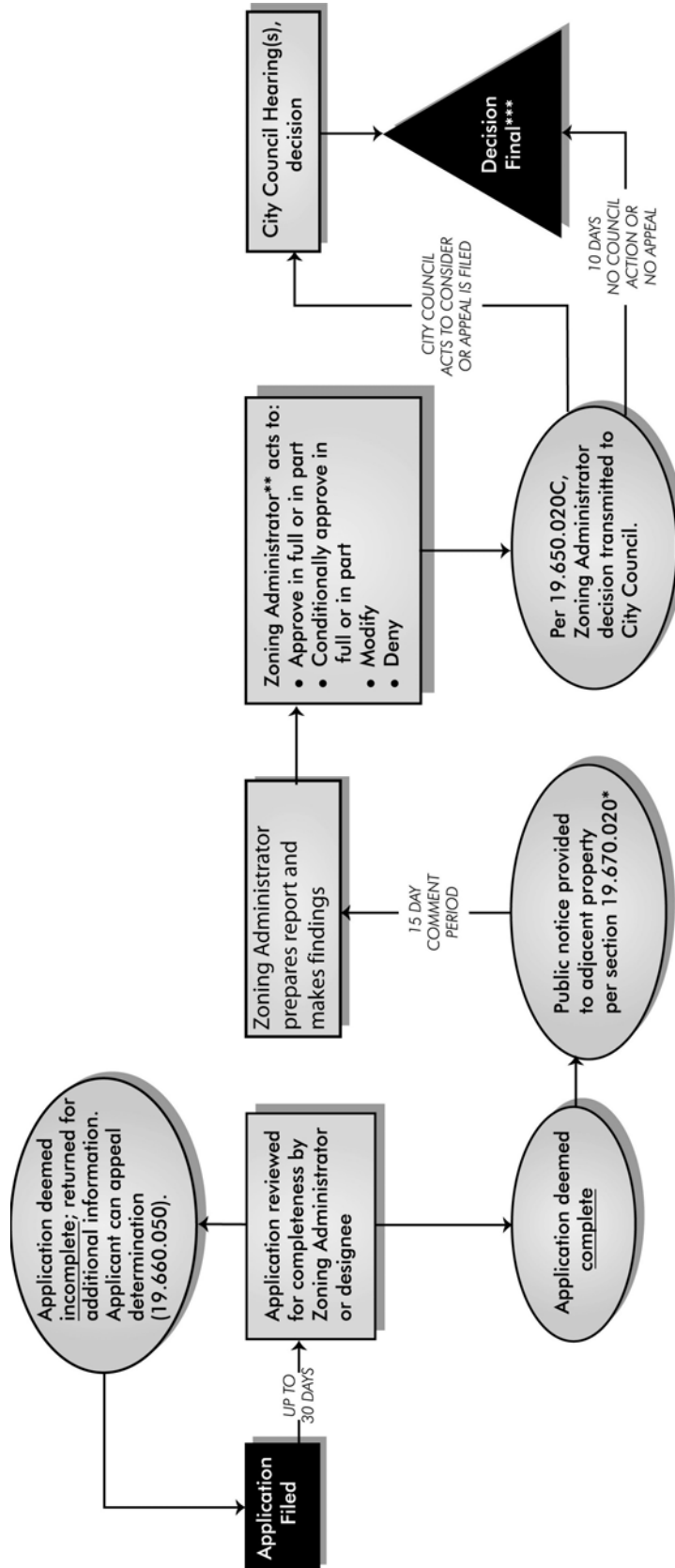
19.730.100 Limited Term Approval

If the Planning Commission determines based upon written findings that it is necessary to protect the public health, safety or general welfare, the Planning Commission may limit the term of the permit.

19.730.110 Voiding of Minor Conditional Use Permits

- A. Any minor conditional use permit granted by the Zoning Administrator or by the City Council on appeal shall become null and void if:
 1. The construction or use authorized by such permit is not commenced within the time limit specified in such permit and such construction is not pursued diligently to completion; provided, however, that the Zoning Administrator may extend the time limit if a written application showing good cause for such time extension is submitted to the Planning Division prior to the expiration of the time limit.
 2. The use for which the permit was granted has ceased to exist or has been suspended for 90 days or more, except that permits for uses that involve the on or off-sale of alcoholic beverages shall be subject to the provisions of Section 19.080.100 (Loss of Nonconforming Status for Alcoholic Beverage Sales); or
 3. The owner or owners authorized representative of the property for which the permit was granted requests in writing that the permit be voided and the Zoning Administrator approves such request.

19.730.120 Minor Conditional Use Permit Process in Flow Chart Form



* Noticing requirements for specific uses may be different. See Article VII, Specific Land Use Provisions.

** Controversial issues may be referred to the City Planning Commission, who acts in the capacity of the Zoning Administrator.

*** Grantee shall have one year from the effective date of decision, or other such period as may be specified in the conditions of approval, to establish the right to use the Minor Condition Use Permit (exercise permit per 19.690.060).